

REMARKS

State of the Claims

New Claims 31-34 are added by this amendment. Support is found at p. 9, lines 23-32. No new matter has been added. Claims 1-4, 5-23, 28-29 and 31-34 are pending.

Objection to the disclosure

The Examiner reiterates an objection to the inclusion of an attorney docket number in the Cross Reference to Related Patents at page 1 of the specification. However, in Applicants' response dated Aug. 19, 2003 (see p. 2), Applicants requested an amendment to remove reference to the docket number.

Claims Drawn to Non-Elected Subject Matter

The Examiner also reiterates that Claims 24-27 and 30 are drawn to non-elected subject matter and should be cancelled. Again, in the Aug. 19, 2003 response, Applicants indicated in the Claims Listing that these claims should be cancelled. In the Remarks section, at page 7, Applicants noted cancellation of these claims. In the subsequent Claims Listings, Applicants have indicated that these claims are cancelled.

35 U.S.C. § 103 Rejections

Applicants will not reiterate the various grounds for rejected the claims as previously set forth by the Examiner, nor will Applicants restate the reasons why the Examiner has failed to make a *prima facie* showing of obviousness in view of the cited references. However, Applicants have added new Claims 31 through 34, which are directed to non-planar (although not limited to concave) overlapping snack pieces. Applicants respectfully submit that nothing in the prior art teaches or suggests a package of snacks have the volumetric bulk density and the package bulk density recited therein. Applicants respectfully request that the Examiner consider the allowability of these claims.

SUMMARY

In light of the discussions and amendments contained herein, Applicants respectfully request reconsideration of the rejections and their withdrawal.

Issuance of a Notice of Allowance at an early date is earnestly solicited.

Respectfully submitted,
STEPHEN ZIMMERMAN, ET AL.

Carl J. Roof
Carl J. Roof
Attorney for Applicants
Registration No. 37,708
(513) 634-5209

May 9, 2005
Customer Number 27752